

**AGREE ON MOTION
FOR**

**ADVANCE FRANK
HEARING**

Louis Marshall, of New
York,

Will Act Both for the
State

and Defense

Following an Agreement between Leo M. Frank's Attorneys and the Attorneys for the State that a joint motion would be made to the United States Supreme Court to have the Frank Habeas Corpus Appeal advanced on the Docket of that Court, it was announced Wednesday that Louis Marshall, of New York, one of Frank's Counsel, who is now in Washington, would present the

joint motion to advance either on Friday of this week or Monday of next week.

In this motion, February 22 will be suggested as the tentative date which would suit all parties to argue the Case before the Supreme Court. It is expected that the Court will either fix that date or one very close to it.

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MARY PHAGAN'S MOTHER

SUES PENCIL FACTORY

Suit Charges Both
Frank and

Conley With Crime
and Asks

\$10,000

Damages

A damage suit for \$10,000 on account of the death of Mary Phagan was filed against the National Pencil Company Wednesday morning by Mrs. J. W. Coleman, the girl's mother, through her Attorney, James L. Key.

The feature of the suit is that it accuses Leo M. Frank, the Superintendent of the Factory, and Jim Conley, the Negro Sweeper, of killing the girl.

The suit is drawn up in the form of two counts. The first count accuses Frank of the killing. The second Count accuses Conley. In other respects, the two counts are almost word for word, the same.

Mrs. Coleman claims that her daughter's earnings capacity at the time of death was \$5 per week, that this would have increased as the girl grew older, and that she was dependent upon the girl's earning for her support.

She bases her claim against the Company for damages upon the following contention, as set forth in Paragraph 14 of the suit:

"Plaintiff avers that the Defendant was under a duty to keep its Premises safe for her daughter on her visits on Business of this Company and under a duty to protect her daughter from the willful and malicious acts of its own employees, and under a duty to give her daughter a safe exit from said Premises under the circumstances alleged, negligently failed to discharge these several duties and each of them."

The circumstances alleged in the suit are substantially as follows:

That the National Pencil Company occupied a “large, dark, roomy Building;” that it employed a large number of people, white and black, adults and children; that it paid off these employees on Saturday about noon, and required employees who had been laid off to come for their pay on the next succeeding pay-day; that the Pay Office was some distance within the Building, “beyond the protection of the Police, except such policing of their own Premises as was done by their Defendant.”

That on April 26, 1913, Mary Phagan, thirteen years of age, the minor child of the Plaintiff, went unattended to the Factory to draw \$1.20 due her; that the Premises and office of the Defendant were in charge of its Superintendent, Leo M. Frank; that the Plaintiff’s daughter was “willfully and maliciously killed by Defendant’s Superintendent on said Premises and in said place of Business on the day aforesaid.”

The second count recites the same circumstances in the same language down to the point where the killing took place, and here it substitutes the name of Conley for that of Frank and accuses him in these words:

“That plaintiff’s daughter was willfully and maliciously killed by Jim Conley, one of Defendant’s employees on said Premises and in said place of Business on the day aforesaid, the said Jim Conley being an employee of defendant in and around said place of Business at the time.”

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**GIRL FROM
MICHIGAN**

QUIZZES JIM CONLEY

Leo Frank's Picture in
Paper

Leads Miss Lillian M.
Schubel to Travel at
Own

Expense to Atlanta
to In-

vestigate Murder

Miss Lillian M. Schubel has been a Stenographer, a Demonstrator, a Book and Magazine Agent; but not until she saw a picture of Leo M. Frank in a paper at her home in Grand Rapids,

Mich., and had read something about the Frank Case, did she turn investigator.

Then she decided to come to Atlanta and solve the mystery of Mary Phagan's death. Born in Missouri twenty-five years ago, she says her heart has always been of the South, and the way in which Northern folk in Grand Rapids discussed the Frank Case ruffled her feelings so she decided to spend the savings of ten years to make the trip to Atlanta and unearth the evidence in the Frank Case "on her own hook."

No one paid her to do it, she says; she is influenced only by her feeling of kindness to the South, only by the Conviction that much is lacking to make the Frank Case complete. She is not even going to write her conclusions for a Magazine.

She has been here exactly four weeks Tuesday. During that time, she says she has bent all her Energies on the Case, her investigations culminating with in an interview with Jim Conley Tuesday.

Miss Schubel is staying at the Aragon hotel. She says she hasn't finished her work, and until she does finish will stay in Atlanta. Her conclusions she will probably turn over to the Solicitor.

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TRIAL OF LEHON, TEDDER

AND THURMAN THURSDAY

Jim Conley Will Deny
Alleged

Confession to
Negro
Is Report

The trial of Dan S. Lehon, Southern Manager of the Burns Detective Agency; C. C. Tedder, a local Burns Agent, and Arthur Thurman, an Atlanta lawyer, on the Charge of Subornation of Perjury in the Frank Case, was not reached on the docket in Judge Ben H. Hill's Court Wednesday morning, as expected, and will begin Thursday morning at 9 o'clock.

One of the witnesses in the trial will be Jim Conley, the Negro Sweeper at the National Pencil Company's Factory, who is now serving a chaingang sentence as an accessory after the fact of Mary Phagan's murder.

Conley will be called by Solicitor Hugh M. Dorsey, who is prosecuting the Perjury Charge, and will be asked to testify that he never had any such conversation with any Negro as was related in the Affidavit of Rev. C. B. Ragsdale. In this Affidavit,

Ragsdale swore he heard a Negro, answering Conley's description, confess to another Negro that he had just killed a white girl in the Pencil Factory. It was this Affidavit which brought about the Perjury charges against Lehon, Tedder and Thurman, the Charge being that they procured it from Ragsdale for a Monetary consideration.

CONLEY IN TOWER.

Conley is now in the Fulton County Jail. He was brought from the Bellwood convict Tuesday at the Order of the County Commissioners to let Miss Lilliam M. Schubel, a young woman from Grand Rapids, Mich., interview him. Miss Schubel got interested in the Frank Case from reading about it in the newspapers and conceived the idea that she could make Jim Conley tell something. Accordingly, she came to Atlanta at her own expense, persuaded the County Commissioners to bring Conley to the jail, and Tuesday she had a talk with him in the presence of witnesses.

She was no more successful than were this newspaper reporters who have repeatedly interviewed Conley, before the trial, after the trial, and since he went to the chaingang. Conley told her nothing.

Needing Conley as a witness in the Perjury trial. Solicitor Dorsey had him kept at the jail when Miss Schubel had finished with him, instead of sending him back to Bellwood camp, so that he would be ready when called to testify.

It is understood Conley's testimony will have no significance further than to deny that he ever had any conversation with any Negro as related in the Ragsdale Affidavit.

Indictments were brought against Lehon, Tedder and Thurman several months ago, but these were thought to be faulty by Solicitor Dorsey and on January 5, last, he obtained a carefully prepared joint indictment against the three men, charging them with Subornation of Perjury.

The last indictment alleged that Lehon, Tedder and Thurman conspired and framed up false Affidavits which they got Rev. C. B. Ragsdale and R. L. Barber to sign. These Affidavits, it is pointed out, were to be used by Leo M. Frank's Attorneys in connection with Frank's extraordinary motion for a new trial, but were afterwards repudiated.

The substances of the Affidavits were Ragsdale and Barber, a member of his Church, were on Madison Avenue, near the Terminal hotel, the Wednesday following the murder of Mary Phagan; that Ragsdale had occasion to go into an alley in the rear of the hotel; that while there he overheard Jim Conley tell another Negro that he was very much troubled as he had killed a little girl in the Pencil Factory and that nobody else was in the Factory at the time except Frank; that Ragsdale told Barber what he heard and asked his advice as to what action to pursue; that Barber who was a stranger in the City, having recently come here from Temple, Ga., advised Ragsdale that they had better keep quiet and remain out of the notoriety attaching to every Development of the Frank Case, and that later their consciences worried them and they decided to tell what they knew.
